

103D CONGRESS
1ST SESSION

H. R. 44

To provide that certain service of members of the United States merchant marine during World War II constituted active military service for purposes of any law administered by the Department of Veterans Affairs.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 5, 1993

Mr. FIELDS of Texas (for himself, Mr. EVANS, Mr. STUDDS, Ms. KAPTUR, Mr. PORTER, Mr. SMITH of Oregon, Mr. ABERCROMBIE, Mr. ANDREWS of New Jersey, Mr. ACKERMAN, Mr. BARTON of Texas, Mr. BATEMAN, Mr. BOEHLERT, Mr. BONIOR, Mr. BOUCHER, Mr. BROWDER, Mr. BUNNING, Mr. CALLAHAN, Mr. CLEMENT, Mr. COLEMAN, Mr. COX, Mr. CUNNINGHAM, Mr. DELLUMS, Mr. DE LUGO, Mr. DICKS, Mr. DOOLITTLE, Mr. ESPY, Mr. FALCONE, Mr. FAWELL, Mr. FAZIO, Mr. FISH, Mr. FRANK of Massachusetts, Mr. FROST, Mr. GALLEGLY, Mr. GILCHREST, Mr. GILMAN, Mr. GILLMOR, Mr. GOSS, Mr. HERGER, Mr. HOCHBRUECKNER, Mr. HUGHES, Mr. HUNTER, Mr. HUTTO, Mr. HYDE, Mr. INHOFE, Mr. JEFFERSON, Mrs. JOHNSON of Connecticut, Mr. KOLBE, Mr. KOPETSKI, Mr. LAFALCE, Mr. LANCASTER, Mr. LIPINSKI, Mr. LIVINGSTON, Mrs. LOWEY of New York, Mr. MACHTEY, Mr. MANTON, Mrs. MEYERS of Kansas, Mrs. MINK, Mr. MURPHY, Mr. MURTHA, Mr. NEAL of Massachusetts, Ms. NORTON, Mr. OBERSTAR, Mr. ORTIZ, Mr. OWENS, Mr. PALLONE, Mr. PAYNE of New Jersey, Mr. PETERSON of Minnesota, Mr. PRICE of North Carolina, Mr. QUILLEN, Mr. RANGEL, Mr. RAVENEL, Mr. SANDERS, Mr. SAXTON, Mr. SCHIFF, Mr. SHAW, Mr. SHAYS, Mr. SHUSTER, Mr. SMITH of New Jersey, Mr. SPENCE, Mr. STARK, Mr. STEARNS, Mr. SWIFT, Mr. TAUZIN, Mr. TAYLOR of Mississippi, Mr. TORRICELLI, Mr. TOWNS, Mr. TRAFICANT, Mrs. UNSOELD, Mr. VENTO, Mr. WALSH, Mr. WILSON, Mr. YOUNG of Alaska, and Mr. ZELIFF) introduced the following bill; which was referred to the Committee on Veterans' Affairs

JUNE 2, 1993

Additional sponsors: Mr. ANDREWS of Texas, Mr. BACCHUS of Florida, Mrs. BENTLEY, Mr. BORSKI, Mr. BUYER, Mr. DEFazio, Mr. DIXON, Mr. EMERSON, Mr. GEJDENSON, Mr. GENE GREEN of Texas, Mr. GUTIERREZ, Mr. HALL of Texas, Mr. HINCHEY, Mr. SAM JOHNSON of Texas, Mr. KING, Mr. LAUGHLIN, Mr. MCHUGH, Mr. MATSUI, Mrs. MEEK, Mr. MOORHEAD, Mrs. MORELLA, Mr. PETERSON of Florida, Mr. PICKETT,

Mr. REED, Mr. SANTORUM, Mr. SCOTT, Mr. SKAGGS, Mr. SOLOMON, Mr. TAYLOR of North Carolina, Mr. TORRES, Mrs. VUCANOVICH, Mr. WISE, Mr. WYDEN, Mr. YOUNG of Florida, Mr. BAKER of Louisiana, Mr. BE-REUTER, Mr. BOEHNER, Mr. BRYANT, Mr. CRAMER, Ms. DUNN, Mr. FILNER, Ms. FURSE, Mr. GEPHARDT, Mr. PETE GEREN of Texas, Mr. GINGRICH, Mr. KILDEE, Mr. KREIDLER, Mr. LEWIS of Florida, Mrs. MALONEY, Mr. MCDADE, Mr. NADLER, Mr. NEAL of North Carolina, Mr. OLVER, Mr. PASTOR, Mr. WELDON, Mr. WILLIAMS, Mr. WOLF, Mr. BARRETT of Nebraska, Mr. CHAPMAN, Mr. COPPERSMITH, Ms. DANNER, Mr. DIAZ-BALART, Mr. FINGERHUT, Mr. GALLO, Mr. GLICKMAN, Mr. HOLDEN, Mr. JOHNSTON of Florida, Mr. LANTOS, Mr. LAZIO, Mr. LEVIN, Mr. MCCLOSKEY, Mr. MCCRERY, Mr. MCDERMOTT, Mr. MENENDEZ, Ms. MOLINARI, Ms. PELOSI, Mr. RAMSTAD, Mr. STUPAK, Mr. VOLKMER, and Mr. ZIMMER

A BILL

To provide that certain service of members of the United States merchant marine during World War II constituted active military service for purposes of any law administered by the Department of Veterans Affairs.

1 *Be it enacted by the Senate and House of Representa-*
 2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Merchant Mariners
 5 Fairness Act of 1993”.

6 **SEC. 2. SERVICE DEEMED TO BE ACTIVE MILITARY SERV-**
 7 **ICE.**

8 (a) IN GENERAL.—For purposes of section
 9 401(a)(1)(A) of the GI Bill Improvement Act of 1977 (38
 10 U.S.C. 106 note), the Secretary of Defense is deemed to
 11 have determined that qualified service of a person con-
 12 stituted active military service.

1 (b) DETERMINATION OF DISCHARGE STATUS.—

2 (1) The Secretary of Defense shall issue an
3 honorable discharge under section 401(a)(1)(B) of
4 the GI Bill Improvement Act of 1977 to each person
5 whose qualified service warrants an honorable dis-
6 charge.

7 (2) Such discharge shall be issued before the
8 end of the one-year period beginning on the date of
9 the enactment of this Act.

10 **SEC. 3. PROHIBITION OF RETROACTIVE BENEFITS.**

11 Benefits shall not be paid to any person as a result
12 of the enactment of this Act for any period before the date
13 of the enactment of this Act.

14 **SEC. 4. PROCESSING FEES.**

15 (a) IN GENERAL.—The Secretary of the Department
16 in which the Coast Guard is operating shall establish, as-
17 sess, and collect a fee for processing applications for bene-
18 fits based on qualified service.

19 (b) APPLICATION.—A fee established under this sec-
20 tion shall apply to any application that is received after
21 the date of the enactment of this Act by the Secretary
22 of the Department in which the Coast Guard is operating,
23 for a benefit (including for an increase in a benefit) based
24 on qualified service.

1 (c) AMOUNT.—The amount of a fee established under
2 this section shall be \$30.

3 **SEC. 5. DEFINITIONS.**

4 For purposes of this Act—

5 (1) the term “qualified service” means service
6 of a person as a member of the United States mer-
7 chant marine during the period beginning December
8 7, 1941, and ending December 31, 1946, while such
9 person was—

10 (i) licensed or otherwise documented by an
11 officer or employee of the United States author-
12 ized by law to do so; and

13 (ii) a crewmember of any vessel which at
14 the time of such service was—

15 (I) documented in the United States,

16 (II) operated under the flag of the
17 United States in waters other than inland
18 waters of the United States,

19 (III) under contract or charter to, or
20 property of, the Government of the United
21 States, and

22 (IV) serving the Armed Forces;

23 (2) the term “United States merchant marine”
24 includes the United States Army Transport Service.

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